

APR 09 2002

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Site	<u>Herculaneum</u>
ID#	<u>MD006266373</u>
Break	<u>20</u>
Other	<u>4-9-02</u>

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Mr Jerry L Martin
456 Reservoir Street
Herculaneum MO 63048

Dear Mr Martin

RE Your Letter of March 20 2002

Thank you for taking the time to put in writing your thoughts concerning the listing of the Herculaneum Lead Smelter Site on the National Priorities List (NPL) I have received numerous other letters that also request that the site not be placed on the NPL EPA's current position on placing the site on the NPL is to not list the site If the Doe Run Company is unable or unwilling to continue their cleanup actions at the site EPA may proceed with listing the site on the NPL at that time EPA is and will continue to closely monitor all of the cleanup actions at the site to insure that these actions are implemented properly and are adequately reducing the risk of lead exposure to the citizens of Herculaneum

Thank you for your honesty patience and participation as we strive to meet our goal of protecting public health and the environment at this challenging site

Sincerely

James B Gulliford
Regional Administrator

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SUPERFUND RECORDS

**Controlled Correspondence For
R7 REGIONAL ADMINISTRATOR**

R7

CONTROL NO R7 0200131

ORIG DUE DATE 04/05/2002

FILE CODE 141 A CONTROLLED AND MAJOR CORRESPONDENCE

STATUS PENDING

CORRES DATE 03/20/2002

RECEIVED DATE 03/22/2002

ASSIGNED DATE 03/22/2002

CLOSED DATE

FROM JERRY L MARTIN
456 RESERVOIR ST HERCULANEUM MO 63048

ORG
SALUTATION
CONSTITUENT

TO GULLIFORD/JIM
TO ORG REGIONAL ADMINISTRATOR
SUBJECT CITIZEN CONCERN DISAGREES WITH HERCULANEUM MO ON NPL

ASSIGNED Superfund Division

COPIES OF INCOMING PROVIDED TO RA/DRA

SIGNATURE FOR RA S SIGNATURE
R7 COMMENTS

R7 INSTRUCTIONS

KEEP DOCUMENT IN FOLDER THROUGHOUT PROCESS AND RETURN IT
TO RA S OFFICE

For information contact Debbie Ridgway RA 7823

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R7
Lead	SUPR	03/22/2002	ACTION		

Control SUPR
CC RA/DRA

March 20, 2002

Mr James B Gulliford,
Regional Administrator
US EPA, Region 7
901 North Fifth Street
Kansas City, KS 66101

Dear Mr Gulliford

Enclosed is the first edition of "Herculaneum First", a newsletter representing a group of people in our town who are willing to work for the silent majority. These people do not want the government to place Herculaneum on the Superfund List or the N P L.

I would encourage you to research all the facts about what is really going on in this area, and when you do, I believe democracy will prevail.

I look forward to hearing from you in the near future. Thank you in advance for your attention to our concerns.

Sincerely, *Jerry Martin*

Jerry L Martin
456 Reservoir Street
Herculaneum, MO 63048
636-479-4886
pejermartn@jcn.net

IS THE "NPL" RIGHT FOR HERCULANEUM?

Recent media coverage has focused much attention on the EPA's Superfund NPL or National Priorities List Advocates including Herculanum's Community Advisory Group or CAG are pushing for Herculanum to be placed on the NPL because among other reasons it will make federal monies available for a buy-out

Is this the correct solution for the City of Herculanum?

This is an issue that will impact every resident and every business owner in Herculanum That's what other communities that have been placed on the NPL have found out If you live in the 63048 zip code you will be effected Don't let the NPL happen to you without fully understanding its impact Please think about the following points verify the information provided and make sure your voice is heard

1 What is the EPA's Superfund National Priority List?

According to information posted on the U S EPA's web site (www.epa.gov) the Superfund National Priorities List (NPL) primarily serves as an information and management tool It is a part of the Superfund cleanup process Identifying a site for the NPL guides EPA in determining which sites warrant further investigation identifying what actions might be appropriate notifying the public about sites EPA believes warrant further investigation and serving notice to potentially responsible parties (PRP) that EPA may begin remedial action

The EPA is clear on what inclusion on the NPL does not mean It is not a judgment of the activities of the owner or operator of the site It doesn't require owners or operators to take any action And it doesn't assign liability to any person

2 How does the EPA place a site on the NPL? What criteria?

There are three ways for the EPA to place a site on the NPL First the site scores high enough on the EPA's Hazard Ranking System (HRS) Second a state designates one site as its top priority regardless of the HRS score And third the site must meet all three of the following criteria 1) the Agency for Toxic Substances and Disease Registry (ATSDR) has issued a health advisory recommending removing people from the site and 2) the EPA determines the site poses a significant threat to public health and 3) the EPA expects that it will be more cost effective to use its remedial authority (available only at NPL sites) than to use its emergency removal authority

Once one of those three ways is undertaken the EPA then publishes its proposal for adding the site to the NPL in the Federal Register and receives comments from the public for 60 days EPA then evaluates the comments it determines whether any change in its position for listing is needed and then finalizes either the listing or decision not to list (source = www.epa.gov/superfund/programs/npl_hrs/nplon.htm)

3 What is the timing of the NPL process? How long can a site remain on the NPL?

The NPL process and the Superfund cleanup process itself can consume considerable periods of time The reasons for the length of time are as varied as the sites themselves They include the extent of the problem at the site the complexity of the remediation the always present possibility of litigation by many different parties the time required for periodic public comment periods limited resources for both the government and the responsible parties and the frustrations of everybody involved as the cleanup seems to drag on

For example the EPA currently lists 27 sites in Missouri as NPL sites The average time between the initial proposal for listing and the final inclusion on the NPL for these 27 sites is 21 months The actual time ranges from 4 months to 33 months Of these 27 Missouri locations 14 are designated as having completed construction The average time between formal NPL listing and completed construction for these 14 sites is 10 years 3 months The actual times ranges from 5 years to 15 years

Of the 14 sites designated as having completed construction, five have been officially de-listed from the NPL The average time for these five sites from completion to de-listing is four years The actual time ranges from 1 5 years to 6 years For these 5 de-listed sites the average time from proposal for addition to the NPL list to de-listing is 15 years 4 months The actual times ranges from 11 years to almost 19 years

(source = www.epa.gov/oerrpage/superfund/sites/npl/mo.htm#statelist)

4 Are the issues we are facing in Herculaneum unique?

Lead is one of the most abundant naturally occurring metals found in the earth's crust. Thus, it is not surprising that lead is found in detectable amounts in thousands of sites around the country. In fact, lead has been found in 1,026 of the 1,467 National Priorities List Superfund sites identified by the EPA.

(source = www.atsdr.cdc.gov/tfacts13.html)

5 How long will NPL cleanup take? What can we learn from other communities?

Two examples, both involving lead, might provide more insights into what might happen if Herculaneum were added to the NPL.

The Oronogo-Duenweg Mining Belt site is located in Jasper County, Missouri, near the city of Joplin. The site is an inactive lead and zinc mining and smelting area. Operations began there in the mid-1800s and included hundreds of mines and 17 smelters. One smelter operated in the city of Joplin until the 1970s. About 2,700 residences are located within the mining and smelting areas. The site was first proposed for inclusion on the NPL in June 1988 and officially listed in August 1990. Cleanup activities over the next decade included:

- Six daycare centers and 300 residential homes were cleaned of contaminated soil in the smelter areas.
- In 1991, the EPA and potentially responsible parties signed an Administrative Order on Consent to investigate mining waste. Investigations into the nature and extent of the mining wastes were completed in 1995.
- In 1996, remediation of yard soil was begun and was expected to be completed by the end of 2001.
- In 1998, EPA signed a record of decision to supply about 350 homes with public water supplies. In 1999, a consent decree was completed for the potentially responsible parties to install public water supply systems.
- The EPA also issued two unilateral administrative orders in 1994: one for the PRPs to supply bottled water to residents and the other for the PRPs to conduct additional sampling of private wells and provide bottled water where necessary.

Cleanup activities at the site continue.

(source = www.epa.gov/region07/programs/spfd/nplfacts/oronogo_duenweg_min.pdf)

The second site involves NL Industries, which operated a secondary lead smelter from about 1900 to 1983 at Granite City, Ill. Lead contamination spread throughout 100 square blocks in three cities, affecting 1,600 residences. The site was first proposed for the NPL in October 1984 and formally placed on the NPL in June 1986. Cleanup activities have included:

- The EPA issued a record of decision in 1990 to clean residential properties to 500 ppm in soil and industrial properties to 1,000 ppm in soil, consolidate and cap the waste pile on the main industrial site, and install a groundwater collection and containment system.
- In 1991, the EPA ordered the PRPs to design and implement the selected remedy. When they failed to do so, the U.S. Army Corps of Engineers began cleanup in 1993.
- In 1994, Granite City filed a court motion to obtain a temporary restraining order and injunction for the EPA to stop cleanup. The motion was settled later that year when the EPA agreed to reopen the administrative record supporting the residential lead standard. When EPA reaffirmed the standard in 1995, Granite City and the PRPs filed a motion for a temporary restraining order and preliminary injunction. The motion was denied by the court in 1996.
- In 1998, the contractor defendants took over the remaining remedial work at the site.
- Some 1,600 residential cleanups were completed by May 2000.

Cleanup work and an operation and maintenance plan continue.

(source = www.epa.gov/region5superfund/npl/illinois/ILD096731468.htm)

6 Beyond slowing down the cleanup process, are there other considerations to NPL designation?

Even under the best of conditions Superfund cleanups – including and perhaps especially those on the NPL list require a considerable period of time Yet time is not the only cost

Some communities have become so frustrated with the time involved the proposed remediation and many of the other aspects that they have sought de-listing sites from the NPL Wichita Kansas did this with a site near its downtown area in order to speed cleanup and remediation for commercial and industrial development

Superfund and NPL designation also can pose problems for homeowners, because mortgage and home equity lenders tend not to want to be involved in these properties (In some cases mortgage companies have found themselves designated as a potentially responsible party liable for cleanup costs)

The slow pace of cleanup can take a huge emotional toll on residents causing a variety of stress- related effects

7 How have other communities dealt with the frustrations mentioned above?

Smuggler Mountain a sub division of Aspen Colorado was able to de list from the NPL but not without considerable conflict (source = www.epa.gov/unix0008/superfund/sites/co/smugmntn.html) In fact some members of the community threatened to lie down in front of bulldozers if regulators brought them in to excavate soils The conflict was resolved through the introduction of a Technical Advisory Committee

Willard Chappell director of the Environmental Sciences Program at the University of Colorado Denver was on the committee He reports that Aspen was named a Superfund site in 1986 It was not until then that people began finding out what that meant One of the things it meant was that residents would have problems getting loans on their property because Ginnie Mae and other mortgage holders could have become a responsible party (PRP) and could have been held liable for the costs of clean-up So when people started trying to get a second mortgage to put a kid through college or put a roof on or do something else they found out that they couldn't get a loan So a Superfund designation does have impacts on individuals (source = www.colorado.edu/conflict/full_text_search/AllCRCDocs/93-1.htm)

It took an act of Congress to get Silver Creek, Utah (near Park City) de-listed (source = SARA, Section 118 paragraph P) Silver Creek had a very active Stakeholders Group that lead the discussion (source = www.silvercreekpc.org/index.htm)

Bunker Hill in Shoshone County Idaho is currently fighting to be taken off the NPL That site was originally listed in December 1982 and is still active today In the intervening years regulators have continued to create lower and lower cleanup values (levels) and greatly increased the area being remediated In fact recent proposals have suggested the remediation of the entire Coeur d Alene River Basin including dredging Lake Coeur d Alene thus creating a site the size of the State of Rhode Island The cost is estimated in the billions of dollars and will add thirty years to the completion date

In response local citizens have created the Shoshone Natural Resources Coalition Science Committee The group is comprised of respected scientists who are challenging the science and the methods being imposed by regulators (source = <http://snrcsciencecommittee.org>) A review of their April 12 2001 Science Summit provides insights into both the scientific mistakes they see being made by regulators and to the impact on the local residents Committee member William Calhoun discusses the demoralization and fracturing of our area families

In his presentation Mr Calhoun states The ripple effect began with the closing of the Bunker Hill (smelter) and is now accelerating The county has dropped from approximately 21 000 population overall to 13 771 The county tax base has been hard hit Within the county currently there are 350 houses available for sale and this does not include those that are offered by the owner or have been offered and taken off the market Many of these homes are in the neighborhood of ¾ paid for

And committee member Bob Hopper concludes Your agency was originally created with salvation in mind coming in on a white horse to take on the evil empire Now after many years of power you and your agency have adopted the persona of the evil empire you were created to defend against Who will defend us against you?

8 How is Doe Run impacted by the NPL?

The NPL designation will have little impact on Doe Run. As stated earlier, NPL designation is not a judgment of the activities of the owner or operator of the site. Further, as indicated above, NPL designation typically extends the timing of the cleanup. NPL designation would probably help Doe Run by stretching out the costs of cleanup. In other words, NPL designation has a much greater impact on the citizens of Herculaneum than it does on Doe Run. We, the citizens, need to be active on this issue.

9 Does the EPA feel that Herculaneum should be on the NPL?

The EPA has stated on several occasions that the NPL designation is not right for Herculaneum. They have gone on record in the *Post Dispatch* on KMOX radio and again at the CAG meeting on February 19, 2002, that Superfund NPL is inappropriate at this time. Doe Run has to date complied with all that has been asked of them. The EPA has said that as long as Doe Run continues to comply, NPL designation for our community is not necessary.

10 Why does the NPL continue to gather momentum in Herculaneum?

A number of vocal residents, along with environmental activists and plaintiff attorneys, are pushing this issue through the Community Advisory Committee (CAG). The CAG has convinced U.S. Representative Richard Gephardt, U.S. Senator Jean Carnahan, and Missouri Governor Holden that they are speaking for the whole community. So Gephardt, Carnahan, and Holden have requested the EPA to designate Herculaneum as a Superfund NPL site.

We, the majority of the residents of Herculaneum, can no longer be silent on this issue. We must speak out based on the facts and sound science as opposed to the emotion of the CAG.

11 Are we taking Doe Run's "side" on this issue?

No. In fact, we believe that Doe Run must be held accountable for their actions in Herculaneum. Our concern is for the whole town of Herculaneum. We are on Herculaneum's side. And NPL Superfund designation is not right for the town of Herculaneum.

12 What can you do to help our town?

Too many of us have remained silent on this issue. Some have been frustrated by what they saw during the CAG meetings, so they withdrew further. The outside activists and attorneys and a handful of residents do not represent the will of the entire community. NPL will impact the entire community. You must get involved.

Please sign our petition or write a letter to the officials below. Let them know that you are opposed to the NPL designation and that you are in support of the EPA position that Herculaneum does not belong on the NPL. Send copies of the letter addressed to the four elected officials, copying the Region 7 Administrator.

Senator Christopher S. Bond
274 Russell Senate Office Building
Washington D.C. 20510

Senator Jean Carnahan
517 Hart Senate Office Building
Washington D.C. 20510

Mr. James B. Gulliford
Regional Administrator
US EPA Region 7
901 North Fifth Street
Kansas City, KS 66101

Congressman Richard A. Gephardt
1236 Longworth House Office Building
Washington D.C. 20515

Governor Bob Holden
Missouri Capitol Building, Rm. 218
P.O. Box 720
Jefferson City, MO 65102

HERCULANEUM FIRST is a coalition of residents from the City of Herculaneum. We are dedicated to the needs of the community, placing community over individual needs.

In the next issue of *HERCULANEUM ISSUES*, we will question some of the science that a few regulators have grabbed headlines with. These people must be held accountable for what they are saying about our community. We appreciate their desire to safeguard the health of the town's citizens, but let's be sure that what they are saying is factual and based on sound science.

For more information about HERCULANEUM FIRST, contact

Jerry Martin at 636-479-4886 or Jim Donnelly at 636-475-4524.